

1 A. CISNEROS, Trustee
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2 Riverside, California 92501
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4 Fax: (951) 252-1032
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5
6 *Chapter 7 Trustee*

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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SANTA ANA DIVISION**

11 In re:

12 JEFFREY S. BEIER,

13 Debtor.
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Bankruptcy Case No. 8:23-bk-10898-TA

Chapter 7

**NOTICE OF INTENT TO EMPLOY REAL
ESTATE BROKER**

[10 Tucson, Coto De Caza, California 92679]

**[No Hearing Required Pursuant to Local
Bankruptcy Rules 2014-1 (b)(1)]**

20 **TO ALL CREDITORS AND ALL PARTIES IN INTEREST:**

21 **PLEASE TAKE NOTICE** that A. Cisneros, the duly appointed and qualified Chapter 7
22 Trustee (“Trustee”) for the bankruptcy estate of Jeffrey S. Beier (“Debtor”), pursuant to 11 U.S.C. §§
23 327 and 328(a), will file concurrently herewith an application for an order authorizing him to employ
24 Brian Thompson (“Broker”) of Winterstone Real Estate and Development as a real estate broker. In
25 compliance with Local Bankruptcy Rule 2014-1(b)(3), Trustee hereby provides the following
26 information regarding the Application to Employ (“Application”):

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1 **I. THE IDENTIFICATION OF THE PROFESSIONAL, PURPOSE, AND SCOPE**
2 **OF EMPLOYMENT.**

3 This case was commenced on April 28, 2023, with the filing of a petition under Chapter 11 of the
4 Bankruptcy Code (“Petition”). In his Schedules, Debtor identified his ownership of the real property
5 commonly known as 10 Tucson, Coto De Caza, California 92679 (“Property”), valued it at \$3,117,300,
6 and identified a \$2,757,616 lien against it in favor of Bank of America, N.A. (“BOA”). On July 7, 2023,
7 the case was converted to Chapter 7. After the conversion of the case, the Trustee was appointed as
8 Chapter 7 Trustee.

9 Based on Applicant’s consultation with a real estate professional and the condition of the
10 Property, the Applicant has agreed to list the Property at \$3,000,000.

11 Trustee has determined that it will be necessary to employ Broker to market and sell the
12 property commonly known as 10 Tucson, Coto De Caza, California 92679 (“10 Tucson”) in order to
13 pay claims of creditors and expenses of administration.

14 **II. ARRANGEMENT FOR COMPENSATION.**

15 Broker has not received, nor will he receive, any retainer from Trustee or the Estate. Broker will
16 accept, as compensation, such commission from the sale of the Property pursuant to the Listing
17 Agreement and subject to Court approval. Trustee negotiated favorable listing terms as follows: The
18 Listing Agreement concerning 10 Tucson, Coto De Caza, California 92679 provides for sales
19 commission of 5%, unless Broker represents both Trustee and the buyer, in which case sales
20 commission shall be 4%.

21 **III. PROCEDURE FOR OBTAINING A COPY OF THE APPLICATION.**

22 A copy of the Application is available upon written request by contacting Erica F. Pedraza at
23 Malcolm ♦ Cisneros, A Law Corporation, 2112 Business Center Drive, Irvine, CA 92612, telephone
24 number: (949) 252-9400, facsimile: (949) 252-1032, e-mail: erica@mclaw.org

25 **IV. PROCEDURE FOR OBJECTING AND/OR RESPONDING TO THE**
26 **APPLICATION TO EMPLOY.**

27 **PLEASE TAKE FURTHER NOTICE** that if you do not oppose the proposed employment,
28 you need not take further action. Pursuant to Local Bankruptcy Rule 2014-1(b)(3)(E), any opposition to

1 the Application and request for hearing must be filed with the Court in the form required by Local
2 Bankruptcy Rule 9013-1(f)(1) and served upon proposed counsel for Trustee at the address indicated in
3 the upper-left hand corner of the first page of this document and the Office of the United States Trustee
4 no later than 14 days from the date of the service of this notice. Failure to timely file and serve an
5 opposition, response or request for hearing may be deemed consent to the relief sought in the
6 Application.

7 DATED: July 27, 2023



A. CISNEROS
Chapter 7 Trustee

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

2112 Business Center Drive, 2nd Floor, Irvine, CA 92612

A true and correct copy of the foregoing document entitled (specify): **NOTICE OF INTENT TO EMPLOY REAL ESTATE BROKER** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **July 27, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

OFFICE OF U.S. TRUSTEE: United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
CHAPTER 7 TRUSTEE: Arturo Cisneros (TR) amctrustee@mclaw.org, acisneros@iq7technology.com;
ecf.alert+Cisneros@titledxi.com

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On (date) **July 27, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR: Jeffrey S Beier, P O Box 7644, Laguna Niguel, CA 92677

NOTICE: Brian Thompson, Winterstone Real Estate Development, 23792 Rockfield Blvd., Ste. 101, Lake Forest CA 92630

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) **July 26, 2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

July 27, 2023

Date

Diep Quach

Printed Name

/s/ Diep Quach

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

SECTION 1 CONT.

DEBTOR'S ATTORNEY: Anerio V Altman LakeForestBankruptcy@jubileebk.net, lakeforestpacer@gmail.com

NOTICE: Greg P Campbell ch11ecf@aldridgepite.com, gc@ecf.inforuptcy.com;gcampbell@aldridgepite.com

NOTICE: Arturo Cisneros arturo@mclaw.org, CACD_ECF@mclaw.org

NOTICE: Michael J Hauser michael.hauser@usdoj.gov

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

SECTION 2 CONT.

Bank of America, National Association
Attn: Bankruptcy Department
PO Box 982238
El Paso, TX 79998

Gary and Patricia Beier
Drakes Bay
Laguna Niguel, CA 92677

INTERNAL REVENUE SERVICE
P.O. BOX 7346
PHILADELPHIA, PA 19101-7346

National Service Professionals
10001 W Oakland Park Blvd Ste 301
Sunrise, FL 33351-6925

Sandy Elsberg
10 Tucson
Trabuco Cyn, CA 92679-5200

~~Sergei Nasonav~~
No complete address

~~Steven Beier~~
~~San Jose~~
No complete address

THE BANK OF NEW YORK MELLON
C/O Bank of America, N.A.
P.O. Box 31785
Tampa FL 33631-3785